REMARKS

Claim Amendments

Claims 1, 14, 23, 29, 31, 32, 42 and 48 are amended for clarification and not in view of the prior art and/or for purposes related to patentability. Applicants submit that the claims as filed were patentable over the prior art of record, and that the amendments herein are for purposes of clarifying the claims and/or for expediting allowance of the claims, and not for reasons related to patentability. Claims 49-68 are amended to correct typographical errors in claim numbering, as requested in the Office action. Reconsideration is respectfully requested.

Applicants thank the Examiner for the interview held (by telephone) on March 2, 2004. During the interview, the Examiner and applicants' attorney discussed the claims with respect to the prior art. The essence of applicants' position is incorporated in the remarks below.

Drawings

The Office action objected to an informality in FIG. 2. FIG. 2 has been amended by eliminating reference to character "70" designation inside the CA. A replacement sheet is added as an attachment to this amendment portraying the corrected FIG. 2.

Claim Objections

The Office action objected to claims 49-69 and their dependencies being incorrectly numbered. The claims have been renumbered to overcome this informality.

35 U.S.C. §102(e) Rejections

The Office action has rejected claims 1-7, 14-45, and 56-68 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,230,266 to Perlman et al. ("Perlman"). Applicants respectfully traverse these rejections.

Perlman

In general, Perlman describes a scheme for delegation and revocation (renunciation) of a certificate authority's authority to revoke a certificate that it has issued to a network of online revocation servers. Perlman describes two types of certificates for this purpose, a delegation certificate and renunciation certificate.

In the described embodiment (FIG. 2), Perlman's system includes a plural quantity of certificate authority (CA) and associated on-line revocation server (OLRS) pairs. Principals (nodes) request a CA to issue certificates to authenticate their public keys, and the CA issues such certificates (Col. 5, lines 43-45). The CA is informed which unexpired certificates should no longer be honored (Col. 5, line 47). The CA stores revoked certificates in a master Certificate Revocation List (CRL) (Col. 5, lines 48-49). The OLRS obtains via unspecified means the information contained in the CA's master CRL, and may augment the master CRL via unspecified means with real-time additional CA issued unexpired revoked certificates (Col. 5, lines 59-68). The OLRS's master CRL and the real-time information together form certificate revocation status information available to inquiring principals (Col. 5, lines 65-67). The OLRS provides to a verifying principal this certificate revocation information (Col. 5,

lines 56-57). A verifying principal may query the OLRS for the stored certificate

revocation status information in order to determine whether a particular query

specified certificate has been revoked (Col. 6, lines 1-4). The OLRS

authenticates the result of a particular query by signing the result using its private

key (or by a secret negotiated session key) (Col. 6, lines 4-8). The OLRS may

also provide to inquiring principals certificates indicating whether the particular

certificates specified in the query have been revoked, and/or the delegation

certificate provided to it by the CA authorizing the OLRS to provide certificate

revocation status information (Col. 6, lines 8-13).

If the CA determines that the OLRS has been compromised, a second

(i.e., uncompromised) OLRS 206 having substantially the same configuration and

operation as the first OLRS, is made part of the system along with its paired CA

(Col. 6, lines 23-29).

Assuming that the CA has not been compromised, the second CA

generates, after compromise of the OLRS is detected, a special delegation

certificate for the second OLRS, that authorizes the second OLRS to provide

certificate revocation status information on behalf of the second CA, signs the

special delegation certificate using the private key belonging to the second CA,

and supplies the signed delegation certificate to the second OLRS and/or

network directory service (Col. 6, lines 30-42). After verifying that the special

delegation certificate is properly signed by the second CA , the second OLRS

begins to supply certificate revocation status information and copies of the

special delegation certificate to verifying principals (Col. 6, lines 42-46).

Alternatively, if the second OLRS is unable to verify that the special delegation

certificate is properly signed by the second CA, the delegation certificate is

ignored (Col. 6, lines 46-49).

The special information contained in the special delegation certificate

notifies verifying principals furnished with the delegation certificate that

certificates issued by the first CA, except the delegation certificate authorizing

compromised first OLRS to provide certificate revocation status information on

behalf of the first CA, should continue to be honored as valid, but that all inquiries

regarding revocation of certificates issued by the second CA should be directed

to the uncompromised second OLRS, as the first OLRS has been compromised

(Col. 6, lines 50-59).

The remainder of Perlman generally describes schema for determining

whether an OLRS has been compromised, and if so having another OLRS paired

with a different CA provide revocation status to inquiring principals. Perlman's

certificates are issued to the public key of the OLRS (as illustrated in the figures).

There is no description of a mechanism for an OLRS being sent such a

certificate. When an OLRS gives status, it presumably signs the status and

includes its own delegation certificate.

Significantly, there is nothing in Perlman that indicates that the OLRS

always issues a new certificate. If all an OLRS obtains in a query is a serial

number, it is only an unsupported and dubious assumption that an OLRS pulls a

public key from a certificate and signs it as a response.

Claim 1

Amended claim 1 recites a computer-readable medium having computer-

executable instructions that include:

> (1) receiving a first transaction request in association with a
> first certificate issued by a certificate authority, the first certificate
> having a representation of an issuer name and a subject name;
> (2) receiving a second certificate from the status authority
> indicating the current status of the first certificate, the second
> certificate having a representation of the issuer name and the
> subject name.

In order to support an anticipation rejection under §102, a single prior art

reference must disclose every element of a claim in the exact manner claimed.

Applicants respectfully submit that Perlman does not disclose every element of

claim 1.

For instance, claim 1 recites receiving a transaction request in association

with a first certificate issued by a certificate authority. Applicants respectfully

submit that Perlman does not disclose this subject matter. The Office action

nevertheless contends that a cited portion of Perlman (Col. 5, line 67 - Col. 6 line

4) discloses this subject matter, but without further explanation. However, these

portions of Perlman (Col. 5-11) generally further describe the schema of

delegating an OLRS, and does not include a description of these elements.

Applicants respectfully submit that the cited portion neither discloses receiving a

transaction request, nor discloses receiving a certificate issued by a certificate

authority, and further does not disclose the transaction request being in

association with the certificate. Instead, the cited portion appears to only indicate

that a principal may query the OLRS for revocation status of a certificate.

Applicants respectfully submit that Perlman does not describe what a principal

receives, and more specifically, Perlman does not disclose that a principal

receives a transaction in association with a certificate, as generally recited in

claim 1.

Additionally, claim 1 also recites receiving a second certificate from the

status authority indicating the current status of the first certificate, the second

certificate having a representation of the issuer name and the subject name of

the first certificate received in association with the transaction request. The

Office action contends that a cited portion of Perlman (Col. 6, lines 8-13) also

discloses this subject matter recited in claim 1, without further explanation.

Applicants respectfully submit that the cited portion does not disclose the second

certificate having a representation of the issuer name and the subject name of

the first certificate. Instead, the cited portion of Perlman indicates only that the

OLRS may provide, to inquiring principals, certificates that indicate the revocation

status of the particular certificates (or delegation certificates provided by the CA).

The certificate issued by the OLRS in Perlman is not a certificate for the issuer

name and subject name of the first certificate, but is instead a certificate

describing the revocation status of the first certificate, and not one having the

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issuer name and subject name representation of the first certificate (assuming for the sake of argument that Perlman even describes such a certificate). Perlman only generally describes that a principal may query an OLRS for the revocation status of certificates that authenticate public keys (Col. 5, lines 43-47, 56-61).

As discussed above, Perlman does not disclose every element of claim 1 as claimed. For at least this reason, applicants respectfully submit that Perlman does not anticipate claim 1 as a matter of law. Applicants respectfully request that the rejection of claim 1 be withdrawn and claim 1 be allowed.

Claim 14

Amended claim 14 recites a computer-readable medium having computer-executable instructions that include:

> (1) receiving a query from a relying party for current status information on a first certificate, the first certificate having a representation of an issuer name and a subject name; and
> (2) issuing a data structure including a second certificate indicating the current status of the first certificate, the second certificate having a representation of the issuer name and the subject name.

Applicants respectfully submit that Perlman does not disclose every element of claim 14.

For instance, claim 14 recites issuing a data structure that includes a second certificate indicating the current status of the first certificate and having a representation of the issuer name and subject name of the first certificate. The Office action contends that a cited portion of Perlman (Col. 5, lines 67 - Col. 6, lines 1-27) discloses the subject matter recited in claim 14, but does not provide

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any further explanation. However, the remainder of Perlman (Col. 5-11)

generally describes the schema of delegating an OLRS, and does not teach any

of these recited elements. For example, applicants respectfully submit that the

cited portion does not disclose the second certificate having a representation of

the issuer name and the subject name of the first certificate, as recited in claim

14. Instead, the cited portion of Perlman describes only that a principal may

query the OLRS for revocation status of a certificate, the OLRS authenticates the

query by signing the result using its private key or a principal-OLRS negotiated

key, the OLRS may provide certificates to principals indicating the revocation

status of the particular certificates (or CA provided delegation certificates), and

the OLRS should reside in a physically secure node, moreover describing that if

the CA determines that the OLRS is compromised, then making a second OLRS

and second CA parts of the system.

Significantly, Perlman nowhere discloses issuing a data structure that

includes a second certificate indicating the current status of the first certificate,

and having a representation of the first certificate issuer name and subject name,

as recited in claim 14, but instead only generally describes that the OLRS issues

a certificate revocation status. In fact, Perlman specifically teaches away from

the limitations recited in claim 14 by describing that the OLRS functions should

be limited to only providing the certification revocation information services, so as

to reduce the possibility that the OLRS will be compromised (Col. 6, lines 16-20);

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in other words, Perlman teaches away from having a first certificate

representation of issuer name and subject name.

As discussed above, Perlman does not disclose every element of claim 14

as claimed. For at least this reason, applicants respectfully submit that Perlman

does not anticipate claim 14 as a matter of law. Applicants respectfully request

that the rejection of claim 14 be withdrawn and claim 14 be allowed.

Claim 23

Amended claim 23 recites a method that includes

> (1) receiving, at a certificate authority, a first request for a
> certificate;
> (2) verifying whether the certificate should be issued, and if
> so, issuing the certificate;
> (3) receiving a second request at a status authority for status
> information about the certificate; and
> (4) issuing a reissue certificate including the status
> information in response to the receiving a second request at a
> status authority for status information about the certificate.

Applicants respectfully submit that Perlman does not disclose every

element of claim 23.

For instance, claim 23 recites issuing a reissue certificate including the

status information in response to the receiving a second request at a status

authority for status information about the certificate. Applicants respectfully

submit that Perlman does not disclose such subject matter. The Office action

contends that a cited portion of Perlman (Col. 6, lines 1-50; Col. 10, lines 57-63)

discloses the subject matter recited in claim 23, but does so without further

explanation. Applicants respectfully submit that the cited portion does not

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disclose the subject matter recited in claim 23, but instead generally describes that the OLRS issues a certificate revocation status, and additionally that the second CA generates a delegation certificate containing information for the second OLRS that authorizes the second OLRS to provide certificate revocation status information, the second CA supplying the second OLRS with the delegation certificate, and the second OLRS supplying certificate revocation status information and copies of the delegation certificate to verifying principals (Col. 6, lines 28-50). Moreover, Col. 10, lines 57-63 describes that the first CA may circumstantially issue updates to uncompromised second/third OLRSs to update their certificate revocation status information to reflect changed revocation status.

Nowhere in Perlman is the subject matter recited in claim 23 disclosed. For at least this reason, applicants respectfully submit that Perlman does not anticipate claim 23 as a matter of law. Applicants respectfully request that the rejection of claim 23 be withdrawn and claim 23 be allowed.

Claim 29

Amended claim 29 recites a method including:

> receiving a certificate at an end entity;
> providing the certificate to a relying party; and
> receiving a receipt at the end entity from the relying party,
> the receipt including a reissue certificate.

Applicants respectfully submit that Perlman does not disclose every element of claim 29.

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For instance, claim 29 recites receiving a receipt at the end entity from the relying party, the receipt including a reissue certificate. The Office action contends that a cited portion of Perlman (Col. 6, lines 1-50) teaches this recited subject matter, again without any further explanation. Applicants respectfully submit that the cited portion does not disclose issuing or receiving a reissue certificate, and thus dos not generally disclose receiving a reissue certificate, and more specifically, as recited in claim 29, does not disclose receiving a receipt at the end entity from the relying party, the receipt including a reissue certificate. Instead, the cited portion of Perlman generally describes that the OLRS issues a certificate revocation status, and additionally that the second CA generates a delegation certificate containing information for the second OLRS that authorizes the second OLRS to provide certificate revocation status information. Perlman neither discloses receiving a receipt, nor discloses the receipt including a reissue certificate, as plainly recited in claim 29.

As discussed above, Perlman does not disclose every element of claim 29 as claimed. For that reason, Applicants respectfully submit that Perlman does not anticipate claim 29. Applicants respectfully request that the rejection of claim 29 be withdrawn and claim 29 be allowed.

Claim 35

Claim 35 recites a method including:

    (1) receiving a certificate with a request to perform a transaction;
    (2) communicating with a status authority to request status information about the certificate;

(3) receiving a reissue certificate including the status information in response to the request; and

(4) deciding whether to perform the transaction based on the status information.

Applicants respectfully submit that Perlman does not disclose every element of claim 35.

For instance, claim 35 recites receiving a certificate with a request to perform a transaction. The Office action references the portions of Perlman cited in claims 1-34 as the basis for this rejection, without further explanation. As discussed with reference to claims 1-34 (with particular attention to claim 1), the cited portions of Perlman nowhere disclose receiving a certificate with a request to perform a transaction as recited in claim 35, but instead generally describes OLRSs supplying a principal with revocation status of a certificate in a range of circumstances regarding compromised OLRSs.

Additionally, claim 35 recites receiving a reissue certificate including the status information in response to a request to perform a transaction. The Office action references the same portions of Perlman cited against claims 1-34 as the basis for this rejection, again without further explanation. As discussed with reference to claims 1-34 (with particular attention to claims 1 and 29), the cited portions of Perlman nowhere disclose receiving a reissue certificate including the status information as recited in claim 35. Instead, Perlman describes OLRSs supplying a principal with the revocation status of a certificate in a range of circumstances regarding compromised OLRSs.

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Additionally, claim 35 recites deciding whether to perform the received transaction based on the status information. The Office action references the portions of Perlman cited in claims 1-34 as the basis for this rejection. As discussed with reference to claims 1-34 (with particular attention to claims 1 and 29), the cited portions of Perlman nowhere disclose deciding whether to perform the received transaction based on status information included in a reissue certificate, as plainly recited in claim 35. Instead, Perlman describes OLRSs supplying a principal with the revocation status of a certificate in a range of circumstances regarding compromised OLRSs.

As discussed above, Perlman does not disclose every element of claim 35 in the manner claimed. For that reason, Applicants respectfully submit that Perlman does not anticipate claim 35. Applicants respectfully request that the rejection of claim 35 be withdrawn and claim 35 be allowed.

Claim 42

Amended claim 42 recites a method including:

> (1) requesting at an end entity a certificate from a certificate authority;
> (2) the end entity providing the certificate with a request for performance of a transaction; and
> (3) receiving information at the end entity indicating whether the transaction was performed, the information provided by a status authority and including the status of the certificate.

Applicants respectfully submit that Perlman does not disclose every element of claim 42.

The Office action contends that the limitations of claim 42 are recited in claim 35, and that claim 42 is rejected for the same reasons that claim 35 was rejected. Applicants respectfully submit claim 42 is not identical to claim 35 and should be examined on its own merits, and further that Perlman does not anticipate claim 42.

For instance, claim 42 recites requesting at an end entity a certificate from a certificate authority and the end entity providing the certificate with a request for performance of a transaction. Perlman nowhere discloses requesting a certificate from an end entity and the end entity providing the certificate with a request to perform a transaction as recited in claim 42, but instead generally describes OLRSs supplying a principal with revocation status of a certificate in a range of circumstances regarding compromised OLRSs.

For at least this reason, Perlman does not disclose every element of claim 42 in the exact manner claimed. Applicants respectfully request that the rejection of claim 42 be withdrawn and claim 42 be allowed.

Claim 45

Claim 45 recites a method comprising:

>   (1) requesting at an end entity a certificate from a certificate authority;
>   (2) providing a request for performance of a transaction to a relying party, the request including the certificate;
>   (3) receiving the request at the relying party, and communicating with a status authority to determine the status of the certificate;

(4) receiving a reissue certificate from the status authority, the reissue certificate indicating the status of the certificate; and

(5) communicating information from the relying party to the end entity, the information indicating whether the transaction was performed and including the status of the certificate.

Applicants respectfully submit that Perlman does not disclose every element of claim 45.

The Office action contends that the elements of claim 45 are recited in the elements of claim 35, and that claim 45 is rejected for the same reasons that claim 35 is rejected. Applicants respectfully submit claim 45 is not identical to claim 35 and should be examined on its own merits, and further that Perlman does not anticipate claim 45.

For instance, claim 45 recites requesting at an end entity a certificate from a certificate authority and providing a request for performance of a transaction to a relying party, the request including the certificate. Perlman nowhere discloses requesting at an end entity a certificate from a certificate authority and providing a request for performance of a transaction to a relying party, the request including the certificate as recited in claim 45, but instead generally describes OLRSs supplying a principal with revocation status of a certificate in a range of circumstances regarding compromised OLRSs.

For at least this reason, Perlman does not disclose every element of claim 45 in the exact manner claimed. Applicants respectfully request that the rejection of claim 45 be withdrawn and claim 45 be allowed.

Claim 56

Amended claim 56 recites a computer-readable medium having stored thereon a data structure, comprising:

> a first field referencing a request for performing an electronic transaction; and
> a second field comprising a list of evidence accumulated from at least one recipient of the request.

Applicants respectfully submit that Perlman does not disclose every element of claim 56.

The Office action contends that the elements of claim 56 are recited in the elements of claim 35, and thus claim 56 is rejected for the same reasons that claim 35 is rejected. Applicants respectfully submit claim 56 is not identical to claim 35 and should be examined on its own merits, and further that Perlman does not anticipate claim 56.

For example, claim 56 recites a first field of a data structure referencing a request for performing an electronic transaction and a second field of a data structure comprising a list of evidence accumulated from at least one recipient of the request. Nowhere does Perlman disclose a first field of a data structure referencing a request for performing an electronic transaction and a second field of a data structure comprising a list of evidence accumulated from at least one recipient of the request as recited in claim 56. Instead, Perlman generally describes OLRSs supplying a principal with revocation status of a certificate in a range of circumstances regarding compromised OLRSs.

For at least this reason, Perlman does not disclose every element of claim 56 in the exact manner claimed. Applicants respectfully request that the rejection of claim 56 be withdrawn and claim 56 be allowed.

Claim 63

Amended claim 63 recites a computer-readable medium having stored thereon a data structure, comprising:

a first data field representing the current status of a first certificate; and
a second data field designating the present data structure as including status information regarding the first certificate.

Applicants respectfully submit that Perlman does not disclose every element of claim 63.

The Office action contends that the elements of claim 63 are recited in the elements of claim 35, and thus claim 63 is rejected for the same reasons that claim 35 is rejected. Applicants respectfully submit claim 63 is not identical to claim 35 and should be examined on its own merits, and further that Perlman does not anticipate claim 63.

For example, claim 63 recites a data structure, comprising a second data field designating the present data structure as including status information regarding the first certificate. Nowhere does Perlman disclose a second data field designating the present data structure as including status information regarding the first certificate as recited in claim 63. Instead, Perlman generally

describes OLRSs supplying a principal with revocation status of a certificate in a range of circumstances regarding compromised OLRSs.

For at least this reason, Perlman does not disclose every element of claim 63 as claimed. Applicants respectfully request that the rejection of claim 63 be withdrawn and claim 63 be allowed.

Claims 2-7, 15-22, 25-28, 30-34, 36-41, 43-44, 57-62, and 64-68

Each of depending claims 2-7, 15-22, 25-28, 30-34, 36-41, 43-44, 57-62, and 64-68 are each allowable by virtue of their dependence on independent claims 1, 14, 23, 29, 35, 42, 56, or 63, as well as for the additional elements each claim contains.

For instance, claims 2, 24, 25, and 43, recite the certificate authority comprising the status authority or an agent authorized to act on behalf of the certificate authority. The Office action contends that a cited portion of Perlman (Col. 12, lines 3-12) teaches that the certificate authority comprises the status authority. Applicants respectfully submit that the cited portion does not disclose the claimed subject matter, but instead describes that the first and second CA may be thought of as a separate logical entity and may comprise the same physical node. Indeed, Perlman's described OLRS, and not Perlman's CA, was alleged by the Office action to provide the revocation status to a principal, and alleged to teach the applicants' recited status authority. Moreover, Perlman

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teaches away from a CA comprising an OLRS, by describing that the OLRS function should be limited to only providing certification revocation information services (Col. 6, lines 16-20), and thus not be combined with a CA.

Additionally, claims 15-22 recite a data structure, which has been previously shown to be not disclosed in Perlman. Also, claims 4, 5, 7, 38, 41, and 42 recite a transaction or a transaction request, which has been previously shown herein to be not disclosed in Perlman. As another example, claims 4, 5, 6, 7, 16, 19, 20, 21, and 22 recite the second certificate, which has been previously shown herein to be not disclosed in Perlman.

As yet another example, claims 17, 18, 34, 61, 62, and 64 recite policy or policy information. The Office action contends that cited portions of Perlman teach policy or policy information, but the cited portions instead generally describe delegation certificates. Delegation certificates are not policy or policy information, but rather may be used to authorize an OLRS to provide certification revocation status.

Still further, claims 33, 39, 40, and 44 recite a receipt. As discussed previously, Perlman does not disclose a receipt. The cited portions of Perlman instead describe generally that principals do not honor a delegation certificate unless a generation number indicates that an OLRS status is proper and not revoked, or instead describe that generally an OLRS issues certificate revocation status.

Perlman does not disclose every element of each of claims 2-7, 15-22, 25-28, 30-34, 36-41, 43-44, 57-62, and 64-68 in the exact manner claimed. For at least this reason, applicants respectfully submit that Perlman does not anticipate these claims. Applicants respectfully request that the rejection of each of claims 2-7, 15-22, 25-28, 30-34, 36-41, 43-44, 57-62, and 64-68 be withdrawn and these claims allowed.

Moreover, applicants respectfully submit that the Office action has not stated any reason for rejecting claims 3, 4, 5, 6, 7, and 25, nor cited a particular part of the Perlman reference pertinent to the rejection, nor alleged the pertinence of the Perlman reference with reference to these claims. Thus, applicants have not been properly informed of the reason for the rejection of these claims, and request that any subsequent Office action therefore not be made final, so that applicants are given a fair opportunity to address such rejections on their merits.

35 U.S.C. §103(a) REJECTION

The Office action has rejected claims 8-13 under 35 U.S.C. §103(a) as unpatentable over Perlman. The Office action has rejected claims 46-55 under 35 U.S.C. §103(a) as unpatentable over Perlman in view of U.S. Patent 6,285,991 B1 to Powar ("Powar"). Applicants respectfully traverse these rejections.

In order to establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In addition, "all words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Further, if prior art, in any material respect teaches away from the claimed invention, the art cannot be used to support an obviousness rejection. *In re Geisler*, 116 F.3d 1465, 1471, 43 USPQ2d 1362, 1366 (Fed Cir. 1997). Perlman fails to teach or suggest all of the claim limitations of claims 8-13. Moreover, Perlman and Powar, whether considered together or alone, fail to teach or suggest all of the claim limitations of 46-55.

Claims 8-13

Claims 8-13 generally, but not exclusively, recite respectively receiving a third certificate from the remote party, wherein information of the third certificate is communicated with a response to the second transaction; a third certificate is received with the transaction request and the first certificate; the third certificate comprises a record of a response to a status request of the first certificate at a particular time; transmitting the first certificate, the second certificate, and the third certificate to a remote party along with another transaction request; receiving information including a fourth certificate from the remote party indicating the current status of at least one of the first, second, and third

certificates; and wherein the fourth certificate is communicated with a response to the other transaction.

Because Perlman fails to teach all of the claim limitations of claim 1 as discussed above, and claims 8-13 depend directly or indirectly on claim 1, Perlman fails to teach all of the claim limitations of claims 8-13. Furthermore, the Office Action acknowledges that Perlman does not disclose a third certificate comprising a record of a response to a status request of the first certificate, and a fourth certificate from the remote party indicating the current status of at least one of the first, second, and third certificates and transmission between the two parties that issuing the third and fourth certificate and the remote or end entity. The Office action surprisingly contends that it would have been obvious that Perlman's certificate status check could be a repeated process between the CA and OLRS, whereupon receiving the second certificate, the OLRS issues a re-issue certificate (third certificate) from the CA, and sends the re-issue certificate to the principal by certifying the reissue certificate (fourth certificate), concluding that a repeated process would have been obvious. However, Perlman does not disclose a third certificate as recited in claims 8-13 as being transmitted variously to or from the remote party, or the fourth certificate recited as being received from the remote party, nor the third or fourth certificate communicated with a response to a transaction. The explanation in the Office action instead describes the OLRS and CA as transmitting multiple certificates to a principal, not principals

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receiving from or transmitting to each other. At least for these reasons, claims 8-13 are patentable over the cited art.

Moreover, the Office action does not provide proper motivation for so modifying Perlman. By law, in order to support a § 103(a) rejection, there must be some teaching, suggestion, or motivation (other than applicants' teachings) for modifying a cited reference or combining references to achieve the claimed invention. The Office action does not indicate any suggestion or motivation in the prior art of record, either explicit or otherwise, for modifying Perlman or combining with other references in a manner that would achieve the claimed invention. Instead the Office action merely contends that it would have been obvious that Perlman's certificate status check could be a repeated process between the CA and OLRS, whereupon receiving the second certificate, the OLRS issues a re-issue certificate (third certificate) from the CA, and sends the re-issue certificate to the principal by certifying the reissue certificate (fourth certificate), concluding that a repeated process would have been obvious. Office action, page 11, lines 6-16. Such broad, conclusory statements do not come close to adequately addressing the issue of motivation to modify or combine, are not evidence of obviousness, and therefore are improper as a matter of law. In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Moreover, applicants challenge the Office action's unsupported conclusions regarding obviousness. Instead of providing some teaching in support, the Office action merely speculated that modifying Perlman may make the entire claim

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limitations obvious. Such speculation was clearly based on applicants' teachings, and not on anything found in the prior art or otherwise motivated. Such wholly speculative allegations cannot reasonably be used to support these claim rejections, and applicants respectfully request withdrawal of the §103(a) rejections of the claims, or specifically request that a reference or references, including the required motivation to combine, be provided demonstrating otherwise. See M.P.E.P. § 2144.03.

Even if other references were somehow permissibly combinable in the manner suggested by the Office action (which they are not), and somehow supported the Office action's conclusion, they would still fail to teach a third certificate as being transmitted variously to or from the remote party, or the fourth certificate recited as being received from the remote party, nor the third or fourth certificate communicated with a response to a transaction as recited in claims 8-13. At least for this additional reason, claims 8-13 are patentable over the cited reference.

Moreover, Perlman not only fails to suggest all of the claim limitations of claims 8-13, but materially teaches away from claims 8-13. Perlman specifically teaches away from the limitations recited in claim 1 by describing that the OLRS functions should be limited to only providing the certification revocation information services, so as to reduce the possibility that the OLRS will be compromised (Col. 6, lines 16-20), and thus Perlman teaches away from having a third certificate as being transmitted variously to or from the remote party, or

the fourth certificate recited as being received from the remote party, or the third

or fourth certificate communicated with a response to a transaction, as generally

recited in claims 8-13. If prior art, in any material respect teaches away from the

claimed invention, the art cannot be used to support an obviousness rejection. *In*

re Geisler, 116 F.3d 1465, 1471, 43 USPQ2d 1362, 1366 (Fed Cir. 1997). For

at least this additional reason, claims 8-13 are patentable over the cited

reference.

Applicants respectfully submit that claims 8-13 are each patentable under

§103(a) because Perlman not only fails to teach or suggest all the claim

limitations (without impermissible modifications thereto based on applicant's

teachings), but, in fact, teaches away from applicants' claimed invention.

Applicants respectfully request that the §103(a) rejection of claims 8-13 be

withdrawn, and claims 8-13 each be allowed.

Claims 46 - 55

Claim 46 recites a method comprising:

(1) receiving, at a second party, a request from a first party to accept a transaction and a first certificate referencing the transaction;

(2) accepting the transaction at the second party and issuing a receipt to the first party, the receipt including a second certificate as proof of acceptance of the transaction;

(3) sending, from the second party to a third party, the transaction, the first certificate and the second certificate to offer the transaction for sale; and

(4) receiving a receipt at the second party from the third party including a third certificate as proof that the third party purchased the transaction.

The Office action contends that Perlman discloses a CA issuing a first certificate, a principal requesting a query with respect to the first certificate, the query sent to an OLRS that checks on the certificate status on behalf of the CA, the OLRS or CA (if the OLRS and the CA are the same node) issuing a second certificate in response to the principal's request and transmitting to the principal the status of the first certificate.

The Office action further contends that it would have been obvious that Perlman's certificate status check could be a repeated process between the CA and OLRS, whereupon receiving the second certificate, the OLRS issues a re-issue certificate (third certificate) from the CA and sends the re-issue certificate to the principal by certifying the reissue certificate (fourth certificate), stating that a repeated process would have been obvious. The Office action acknowledges that Perlman is silent concerning the first and second certificates containing an offer for transaction, and that the third certificate is a proof that the third party purchased the transaction, and that a fourth certificate contains a receipt of purchase. However, the Office action contends that Powar discloses a secure interactive billing system where certificate contents may include the transaction sales and receipt of the transactions, and billing information.

First, Perlman and Powar, even if somehow permissible to combine, do not disclose the limitation of a second party receiving a request from a first party to both accept a transaction, and to accept a first certificate referencing the transaction, as recited in claim 46. Nowhere in either Perlman or Powar does

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one party receive from another party both a request to accept a transaction, and a certificate referencing the transaction. The cited portion of Powar generally describes instead a certificate authority granting certificates to banks, which are in turn authorized to grant certificates to billers and customers (Col. 4, lines 40-43), the certificates associating a customer and biller with a certificated bank (Col. 4, lines 45-54). Powar generally describes sending billing data over a network by encrypting the billing data using public and private keys where a receiver verifies a signature of the data using the certificate (Col. 5, lines 18-36). Thus, neither Powar nor Perlman, even if somehow permissibly combined, teach or suggest the claim limitations of claim 46.

Second, Perlman and Powar do not disclose accepting the transaction at the second party and issuing a receipt to the first party that includes a second certificate as proof of acceptance of the transaction, as generally recited in claim 46. Again, nowhere in Perlman or Powar is there a description of the second party accepting a transaction and issuing a receipt to the sending party that includes a certificate as proof of acceptance of the transaction as recited in claim 46. Nor do Perlman and Powar disclose the claim limitation of sending, from the second party to a third party, the transaction, the first certificate and the second certificate, to offer the transaction for sale, or the claim limitation of receiving a receipt at the second party from the third party including a third certificate as proof that the third party purchased the transaction, as recited in claim 46. As discussed above, Perlman only describes generally an OLRS issuing an

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indication of certificate revocation. Perlman nowhere discloses parties

(principals) receiving or sending certificates to each other. Moreover, neither

Perlman nor Powar disclose one party purchasing a transaction from another

party. Powar and Perlman, together or alone, do not teach or suggest the claim

limitations of claim 46.

Additionally, because Perlman and Powar together do not disclose the

limitations recited in claim 46, and each address the differing problems of

determining the revocation status of a principal with regard to Perlman, and

encrypting billing data with respect to Powar, there is no motivation or suggestion

to combine Perlman and Powar to disclose the elements of claim 46. Moreover,

the Office action does not provide proper motivation for so modifying Perlman.

By law, in order to support a § 103(a) rejection, there must be some teaching,

suggestion, or motivation other than applicants' teachings for modifying a cited

reference or combining references to achieve the claimed invention. The Office

action does not indicate any suggestion or motivation in the prior art of record,

either explicit or otherwise, for modifying Perlman or combining with other

references in a manner that would achieve the claimed invention. Instead the

Office action merely contends that it would have been obvious to one of ordinary

skill in the art at the time the invention was made to utilize Powar's interactive

electronic account statement certification in Perlman's authentication and

process of certifying content of certification and its validity in order to have a

secure interactive financial transactions between customers, merchants, financial

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institutions, CA's and OLRS. Office action, page 13, lines 1-6. Such broad, conclusory statements do not come close to adequately addressing the issue of motivation to modify or combine, are not evidence of obviousness, and therefore are improper as a matter of law. In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

For at least these reasons, applicants respectfully submit that claim 46 is patentable under §103(a). Applicants respectfully request that the §103(a) rejection of claim 46 be withdrawn, and claim 46 be allowed.

Applicants respectfully submit that depending claims 47-55 are each patentable over Perlman in view of Powar because Perlman or Powar do not teach all the limitations of their parent claim 46, and additionally because of the additional elements claims 47-55 contain.

For instance, claim 47 includes a third party sending the transaction, the first certificate, the second certificate and the third certificate to a fourth party to attempt to resell the transaction, and the depending amended claim 48 includes the fourth party purchasing the transaction and issuing a receipt. The Office action contends that third and fourth certificates are just a question of more communications between the CA and the OLRS to the principal. However, a reading of claims 47 and 48 shows that what is recited is a third party (principal) and not an OLRS, sending a transaction, and the second and third certificate to a fourth party to attempt to resell the transaction. Moreover, the first, second, and third certificates recited are not a "reissue" of the first certificate between the

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same nodes as the Office action contends. Perlman and Powar do not disclose

a principal sending these three certificates and a transaction, to attempt to sell

the transaction. Moreover, Perlman and Powar together do not disclose the

fourth party purchasing the transaction and issuing a receipt in response to

receiving the first, second, and third certificate and the receipt from the third

party. Furthermore, claims 49, 50, 51, 52, 53, and 54, recite certificates including

evidence and/or policy decisions, and/or parties evaluating the evidence. The

Office action nowhere indicates that Powar somehow discloses evidence and/or

policy decisions. As discussed previously, Perlman does not describe evidence
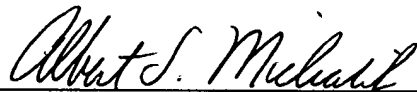
and/or policy evaluation.

Applicants respectfully submit that claims 47-55 are each patentable over

the prior art of record, whether considered alone or in any permissible

combination, because neither Perlman nor Powar teach or suggest all the claim

limitations, and additionally because there is no suggestion or motivation to

combine the teachings of Perlman with those of Powar. Applicants respectfully

request that the §103(a) rejection of claims 47-55 be withdrawn, and claims 47-

55 be allowed.

CONCLUSION

In view of the foregoing remarks, it is respectfully submitted that claims 1-68

are patentable over the prior art of record, and that the application is otherwise in

good and proper condition for allowance. Withdrawal of the rejections is

respectfully requested.

If in the opinion of the Examiner a telephone conference would expedite the

prosecution if the application, the Examiner is invited to call the undersigned

attorney at 425-836-3030.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this Amendment and Petition for Extension of Time, along with Transmittal, are being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: April 2, 2004

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Albert S. Michalik

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